

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DIMITRI VALERYEVICH
TATARINOV,

Petitioner,

v.

SUPERIOR COURT OF THE STATE OF
CALIFORNIA, COUNTY OF SAN
DIEGO

Respondent.

Civil No. 07cv2033-L(NLS)

**ORDER DENYING WITHOUT
PREJUDICE PETITIONER'S
MOTION FOR STAY OF REMOVAL**


Petitioner Dimitri Valeryevich Tatarinov, represented by counsel, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. He subsequently filed a Motion for Stay of Removal During Pendency of Application for Writ of Habeas Corpus.¹ Petitioner is “currently in custody by the Immigration and Customs Enforcement Detention and Removal Center located in San Diego.” (Pet. at 3.) The sole respondent named in the Petition is the Superior Court of the State of California, County of San Diego. Petitioner is no longer in Respondent’s custody. (*Id.* at 2-

¹ The court notes Petitioner’s motion failed to comply with Civil Local Rule 7.1. Although the court is not denying Petitioner’s motion on this ground, Petitioner is admonished that any further pleadings which fail to comply with Civil Local Rules or Electronic Case Filing Administrative Policies and Procedures may be stricken and may lead to penalties pursuant to Civil Local Rule 83.1.

3.) The court therefore has no jurisdiction over the party who holds Petitioner in custody, and can not subject them to an injunctive order. *See Hitchman Coal & Coke Co. v. Mitchell*, 245 U.S. 229, 234-35 (1917). Accordingly, his motion for stay of removal is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED: November 13, 2007


M. James Lorenz
United States District Court Judge

COPY TO:

HON. NITA L. STORMES
UNITED STATES MAGISTRATE JUDGE

ALL PARTIES/COUNSEL